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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/638,491

08/15/2000

Michael Feldman

N298.12-0001

1274

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7590

03/12/2004

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EXAMINER

STEVENS, THOMAS H

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 03/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

**Invention I.** Claims 1-25 are drawn to software program development, classified in class 717, subclass 100.

**Invention II.** Claims 26-27 are drawn to modeling simulation and emulation, classified in class 703, subclass 22.

2. **Inventions I-II** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are to be separately usable. In this case, **Invention I** has separate utility, in the nature of software distribution through a plurality of recipients. This separate use distinguishes the invention of **Invention II** by way of modeling software, which is coupled to the plurality of components of the distribution information system. Therefore, **Invention II** is a separately useable subcombination. See MPEP § 806.05 (d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation on March 9, 2004 with applicant's attorney, David R. Fairbairn, Reg. No. 26047, an election was made with traverse to prosecute the

invention of **Invention I**, claims 1-25. Affirmation of this election must be made by Applicant in replying to this office action. Claims 26-27 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is advised that a reply to this requirement to be complete must include an election of the invention to be examined, even though the requirement may be traversed under 37 CFR 1.143.

***Correspondence Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Stevens whose telephone number is (703) 305-0365, Monday-Friday (8:30 am- 5:30 pm) or contact Supervisor Mr. Kevin Teska at (703) 305-9704. The fax number for the group is 703-872-9306.

Any inquires of general nature or relating to the status of this application should be directed to the Group receptionist whose phone number is (703) 305-3900.

March 9, 2004

THS